

STATE OF ILLINOIS  
BEFORE THE DEPARTMENT OF LABOR  
160 N. LASALLE ST., STE. C-1300  
CHICAGO, ILLINOIS 60601

IN THE CONSOLIDATED MATTER OF:

STANLEY SIMRAYH, as MEMBER OF THE  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL #150 and the  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS, LOCAL #150, and the  
ASSOCIATED GENERAL CONTRACTORS OF  
ILLINOIS, SOUTHERN ILLINOIS BUILDERS  
ASSOCIATION, AMERICAN COUNSEL OF  
ENGINEERING COMPANIES, DIAMOND  
CONSTRUCTION CO., UNITED CONTRACTORS  
OF MIDWEST, INC., ADVANCED ASPHALT  
COMPANY, E.T. SIMONDS, TARLTON CORP.  
BUSH CONSTRUCTION CO., INC., FOLEY  
CONSTRUCTION CO., SOUTHERN ILLINOIS  
ASPHALT CO., INC. KLINGNER & ASSOC.,  
P.C. ANDREWS ENGINEERING GROUP,  
L.L.C., SCI ENGINEERING, INC., AND JUNEAU  
ASSOCIATES INC., P.C.

Petitioner(s),

v.

JOSEPH COSTIGAN, DIRECTOR OF  
LABOR and the ILLINOIS DEPARTMENT OF  
LABOR,

Respondent,

STATE FILE NO.: 15-H-JN08-0852

**ORDER**

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to 56 Illinois Administrative Code 120.40 (a) (1-6), and pursuant to Associated General Contractors of Illinois ("AGCI") et. al Petition to Intervene and the Laborers' International Union of North American Great Plains Laborers' District Counsel et. al ("Great Plains Laborers'), and Laborers International Union of North American, Construction & General Laborers' District Council of Chicago & Vicinity and the Laborers' District Council Labor Management Cooperation Committee ("LDC") Petition to Intervene all parties having been duly advised on the premises;

**IT IS HEREBY ORDERED:**

1. Great Plains Laborers' Petition to Intervene is stricken for lack of appearance.
2. LDC's Petition to Intervene is entered and continued as potential intervener was not notified of prehearing conference date. LDC is granted leave to appear at the September 29, 2014 status conference to present and argue its Petition to Intervene.
3. AGCI is granted leave to amend its Notice of Objections and Petition to Intervene instantler. The Illinois Professional Land Surveyors Association stricken and replaced with American Counsel of Engineering Companies.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing:

Order

prior to 4:30 p.m. on 9/16, 2014, to the following addresses shown below

via U.S. Mail, and placed on the Illinois Department of Labor's official

website at <http://www.illinois.gov/idol/Laws-Rules/legal/Pages/Hearings.aspx>:

Melissa Binetti  
Indiana Illinois and Iowa  
Foundation for Fair Contracting  
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Ed Hogan  
Hogan Marren, Ltd.  
321 N. Clark St., Ste. 1301  
Chicago, IL 60654

Via messenger:

Valerie A. Puccini  
Assistant General Counsel  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601



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4. All parties agree that Local #150's Objections and those of AGCI contain common issues and the matter is properly heard as a consolidated matter. The matter will remain consolidated.
5. The issues in this matter are bifurcated to determine first whether a classification should exist in the all counties in the State of Illinois and in all counties where the classification is published. Local #150's Objection to AGCI's challenge being untimely is overruled given court order arising out of 2013CH26840. Should a classification be proper, the second portion of the hearing will establish the proper rate of pay for that classification.
6. AGCI's Petition to Intervene is dismissed. AGCI is granted Petitioner/Objector status by Order of the Director of Labor, August 21, 2014. The caption of this matter is amended as above.
7. This matter is continued for a status conference on September 29, 2014, 1:00 p.m. All Petitioners, Respondents and Interveners are granted leave to appear via telephone. Those attending via telephone conference shall leave the name and contact number at [DOL.hearings@illinois.gov](mailto:DOL.hearings@illinois.gov) on or before September 24, 2014.

DATE: 9/15/14

/s/ Claudia D. Manley

Claudia D. Manley  
Chief Administrative Law Judge

Claudia D. Manley  
Chief Administrative Law Judge  
Illinois Department of Labor  
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